




MIDDLE PENINSULA CHESAPEAKE BAY PUBLIC ACCESS AUTHORITY

MEMORANDUM

TO: MPCBPAA

FROM: Lewie Lawrence, Director of Regional Planning 

DATE: August 2, 2011

RE: August 5th PAA Meeting

This announcement serves as notice to call a meeting of the Public Access Authority on Friday, **AUGUST 5th 2011** at or about **11:00 a.m.** The meeting will be held in the MPPDC Regional Board Room in Saluda.

Staff from the Army Corps of Engineers will provide an update on the Middle Peninsula Shallow Water Dredging and Regional Sediment Management Plan. Following this update the remainder of the meeting will include normal PAA agenda items. If you have any questions, please call (804-758-2311) or e-mail (LLawrence@mpppc.com) me at your convenience.

AGENDA

1. Welcome and Introductions
2. Approval of April 2011 Minutes
3. Financial Report
4. Public Comment
5. Update- Middle Peninsula Shallow Water Dredging and Regional Sediment Management Plan:
6. Update on Legal Issue: CELCP ROW
7. Update on Hall Donation- Management Plan (NPS Application)
8. Pending Public Access and Working Waterfront Grants
 - a. Update on the Perrin Creek Commercial Seafood Harbor Master Plan
 - b. Update on Rural Chesapeake Bay Working Waterfront Coalition
 - c. Seafood Exchange: USDA Grant
10. Other Business
11. Chairman Observations
12. Next Meeting
13. Adjourn

MEMBERS

Essex County

Mr. David S. Whitlow

Gloucester County

Hon. Louise Theberge
Chairman

King and Queen County

Hon. Doris H Morris

King William County

Mr. Trenton Funkhouser

Mathews County

Mr. Steve Whiteway

Middlesex County

Hon. Carlton Revere

Town of Tappahannock

Mr. G. Gayle Belfield, Jr.

Town of Urbanna

Vacant

Town of West Point

Bill Porter

Saluda Professional Center

125 Bowden Street

P. O. Box 286

Saluda, VA 23149-0286

Phone: (804) 758-2311

FAX: (804) 758-3221

email:

PublicAccess@mppdc.com

MIDDLE PENINSULA CHESAPEAKE BAY PUBLIC ACCESS AUTHORITY MINUTES

April 8, 2011

**Middle Peninsula Planning District Commission
Saluda, Virginia**

1. Welcome and Introductions

The Middle Peninsula Chesapeake Bay Public Access Authority held its meeting in the Middle Peninsula Planning District Commission Board Room in Saluda, Virginia, at 11 a.m. on April 8, 2011.

Chairman Louise Theberge called the meeting to order. Members and Alternates present were David S. Whitlow, Essex County Administrator; Trent Funkhouser, King William County Administrator; Carlton Revere, Middlesex County Board of Supervisors; and Doris Morris, King & Queen Board of Supervisors. Also present were Lewis Lawrence, Acting Executive Director of the Middle Peninsula Planning District Commission; Pete Mansfield, Middlesex County Board of Supervisors; and Middlesex Resident. Meeting participants via conference call included Scott Hardaway, Virginia Institute of Marine Sciences; Doug Stamper, US Army Corps of Engineers; Christy Gomez, US Army Corps of Engineers and Mark Mansfield, US Army Corps of Engineers.

2. Approval of March 2011 Minutes

Chairman Theberge requested a motion to approve the March 2011 minutes. Mr. Funkhouser moved that the minutes be approved. Mr. Revere seconded the motion. Motion carried by unanimous vote.

3. Financial Report

Chairman Theberge requested a motion to approve the March 2011 Revenue and Expenditure Report. Mr. Whitlow moved that the Report be approved. Mr. Funkhouser seconded the motion. Motion carried by unanimous vote.

4. Public Comment

None

5. Update- Middle Peninsula Shallow Water Dredging and Regional Sediment Management Plan

Mr. Lawrence provided a quick overview of the purpose of the Shallow Water Dredging and Regional Sediment Management study. Mr. Douglas Stamper then discussed the components of the study and factors considered within the study: (1) physical characteristics, (2) financial characteristics, (3) usage characteristics, and (4) federal authorities and policies. Next Mr. Mansfield reviewed that the Northern Neck Chesapeake Bay Public Access Authority (NNCBPAA) and Middle Peninsula Chesapeake Public Access Authority (MPCBPAA) are approaching the sediment management aspect of this study differently, in that the NNCBPAA is looking to improve mile long stretches of beach, where as the MPCBPAA will base the amount of nourishment on the amount of dredged material available located within a mile radius of the dredge site. Consequently these varying approaches correlate to differences in cost estimates – ultimately the NNCBPAA approach will be more costly than the MPCBPAA approach. The Board discussed supplementing the report with local information and factors that may contribute to the prioritization and schedule of dredging projects within the region. However prioritization of projects

will be made by the PAA towards the end of the planning phase of this project. The Board decided to meet in May if a draft is available to review.

6. Update on Legal Issue: CELCP ROW

Mr. Lawrence explained that in proceeding with legal counsel, Katona has drafted and sent a letter to Mr. Norman's counsel. Mr. Lawrence also reviewed the answer and grounds of defense for a case in King & Queen.

7. Adoption of 2011-2012 Annual Work Plan

Mr. Lawrence reviewed the Draft of the Annual Work Plan with the Board. The plan consisted of four focal areas including (1) Administration and local public access technical assistance, (2) Public access land transfers (ie. Perrin Creek and Prince Street), (3) Legal Counsel, and (4) Water access strategic planning which will consist of the development of a Regional Shallow Water Dredging and Sediment Management Master Plan. (For more information please refer to appendix 1 for a copy of the Plan.) Chairman Theberge requested a motion to adopt the 2011-2012 Annual Work Plan. Mr. Funkhouser moved that the annual work plan be adopted. Mr. Whitlow seconded the motion. Motion carried by unanimous vote. (See appendix 1)

8. Other Business

None

9. Chairman Observations

None

10. Next Meeting

The next meeting of the Middle Peninsula Chesapeake Bay Public Access Authority is scheduled for Thursday, May 19, 2011 at 9:00am pending the completion of the Shallow Water Dredging Plan.

11. Adjournment

Chairman Theberge requested a motion to adjourn the meeting. Mr. Revere moved that the motion be approve; Mr. Funkhouser, seconded the motion. Meeting was adjourned.

Appendix 1:

MIDDLE PENINSULA CHESAPEAKE BAY PUBLIC ACCESS AUTHORITY
DRAFT OVERALL PROGRAM DESIGN

FY '11: July 1, 2011 – June 30, 2012

PROGRAMS WILL BE OPERATED IN THE FOLLOWING GENERAL AREAS:

- (1) MPCBPAA ADMINISTRATION and LOCAL PUBLIC ACCESS TECHNICAL ASSISTANCE
- (2) PUBLIC ACCESS LAND TRANSFERS
 - a. Perrin Creek
 - b. Prince Street – RTP Funded
- (3) LEGAL COUNSEL
- (4) WATER ACCESS STRATEGIC PLANNING
 - a. Regional Shallow water dredging and Sediment management

1) Program: General PAA Administration and Local Technical Assistance \$3,800

Description: This program allows the Overall Program to function by supporting the individual projects and operation of the Authority, as well as by responding to daily requests for assistance from local government staff. In order to properly manage the workload, requests should be channeled through Authority members to PAA lead staff.

Activities: Personnel administration; financial management; administrative grant reporting; and other general Authority functions. Consultation on public access related issues; review of local public access projects; GIS and other public access technical assistance provision as necessary.

- a. Liability Insurance FY12 (\$1,300 PAA General Fund)
- b. Direct project expense (\$500 PAA General Fund)
 - i. Site Maintenance (\$2,000)
 - ii. Professional Development (\$1,000 PAA)
- c. Direct PAA staff time (As needed- staff time from MPPDC Coastal Technical Assistance Program)

Responsibility: Director of Regional Planning, Regional Planner

Support: PAA General fund and DEQ Coastal Zone Management Program

2) Program: Public Access Land Transfer/Perrin River Commercial Seafood Harbor Master Plan \$44,800

Description: This program will explore the planning needs to designate Perrin River, in Gloucester County, as a commercial seafood port. Specifically this plan will conduct a site analysis including existing harbor conditions. The plan will rely on community participation to identify and discuss future harbor improvements. Technical staff will develop cost opinions including discussion of ownership and management, capital improvement needs, capacity analysis for private and public facility. Perrin River has a Virginia Department of Transportation (VDOT) pier that provides ideal infrastructure for commercial vessel moorage. Additionally this program will respond transferring Prince Street from VDOT to the PAA. Land transfers and public donations will be assessed and coordinated with member localities to ensure compatibility with local planning initiatives, and administered. Strategic acquisition planning may also be included.

- Activities:
1. Develop a Perrin River Seafood Harbor Plan; and
 - a. Virginia Institute of Marine Science (\$15,000)
 2. Transfer of Perrin Creek wharf from VDOT to the PAA.
 - a. Coastal TA DEQ (\$19,800)
 3. Prince Street Transfer (RTP) (\$10,000)

Responsibility: Director of Regional Planning, Regional Planner, PAA Legal Assistance

Support: Virginia Institute of Marine Sciences Marine Advisory Services

(3) Program: Legal Counsel **\$20,000**

Description: This program will respond to the claim of a prescription right-of-way (ROW) across the Haworth Tract for timbering. Since the parcel was acquired through the Coastal and Estuarine Land Conservation Program (CELCP), the PAA will need to protect the public investment on Haworth.

Activities: Defend the right-of-way on the Haworth Tract

- a. Legal Counsel
 - i. PAA General Fund (\$20,000)
- b. Harvest trees on Brown Tract in coordination with the adopted Habitat Management Plan
 - i. Hire timber crews (Cost part of Timber Contract)

Responsibility: Director of Regional Planning, Regional Planner, PAA Legal Assistance

Support: PAA General Fund

(4) Program: Water Access Strategic Planning and Access Infrastructure Management **\$ 73,000**

Description: Those activities, which promote and support efforts to study and plan for local and regional water access needs including: access studies; infrastructure planning and development; project coordination assistance to the Authority and local governments in public access grant funding programs; shallow water dredging and sediment management planning; as well as project administration and coordination of public access infrastructure improvement projects.

Activities: Ongoing Acquisition Planning and Management

- i. Regional Shallow Water Dredging Master Plan
 - MPPDC match (\$24,500)
 - VA Sea Grant (\$2,000)
 - Virginia Institute of Marine Science – Evaluation of potential sediment receiving sites (\$10,000 in-kind)
 - US Army Corps of Engineers (\$36,500)

Responsibility: Director of Regional Planning, Regional Planner, US Army Corps of Engineers, Virginia Institute of Marine Science

Support: MPPDC match, US Army Corps of Engineers, VA Sea Grant and Virginia Institute of Marine Sciences

***Note: Proposed reserve fund balance \$3,000**

Revenue and Expenditure Report by Project

Middle Peninsula Planning District Commission

Run Date: 07/07/2011
Run Time: 3:14:11 pm
Page 24 of 34

Period 07/01/10 to 06/30/11

Project Code & Description	Budget	Prior Year	Current	YTD	Proj Tot	Un/Ovr	% Bud
32007 PAA Administration				Project Period	7/1/2007	to 6/30/2010	
Revenues							
41700 VDCR	75,900.00	75,900.00	0.00	0.00	75,900.00	0.00	100.00%
44010 MPLT/BFI Award	12,160.27	12,160.27	0.00	0.00	12,160.27	0.00	100.00%
44012 PAA Prior Year's Un	9,782.58	-26,022.13	0.00	35,804.71	9,782.58	0.00	100.00%
44200 Interest Income	8.15	5.13	0.00	1.99	7.12	1.03	87.36%
44300 PAA Hunting License	4,150.00	2,050.00	0.00	1,400.00	3,450.00	700.00	83.13%
44900 Miscellaneous Incom	1,342.25	1,342.25	0.00	0.00	1,342.25	0.00	100.00%
Revenues	103,343.25	65,435.52	0.00	37,206.70	102,642.22	701.03	99.32%
Expenses							
50000 SALARIES	18,727.66	16,802.66	0.00	0.00	16,802.66	1,925.00	89.72%
50500 FRINGE BENEFITS	6,246.16	5,591.67	0.00	0.00	5,591.67	654.49	89.52%
52251 website	91.51	91.51	0.00	0.00	91.51	0.00	100.00%
53100 Equipment	57.54	57.54	0.00	0.00	57.54	0.00	100.00%
53400 Office Supplies	2,335.32	2,335.32	0.00	0.00	2,335.32	0.00	100.00%
53500 Meeting Supplies	4,058.18	1,058.18	0.00	413.48	1,471.66	2,586.52	36.26%
54100 Private Mileage	385.19	385.19	0.00	104.50	489.69	-104.50	127.13%
54500 Lodging/ Staff Expen	93.68	93.68	0.00	58.64	152.32	-58.64	162.60%
54900 Travel Expense Other	2,000.00	0.00	0.00	0.00	0.00	2,000.00	0.00%
55150 Subscriptions/Publica	29.95	29.95	0.00	0.00	29.95	0.00	100.00%
55300 Conferences	325.00	325.00	0.00	615.25	940.25	-615.25	289.31%
56300 Legal Services	13,960.69	3,960.69	650.00	6,401.94	10,362.63	3,598.06	74.23%
56400 Consulting/Contractur	22,379.55	12,379.55	0.00	1,369.53	13,749.08	8,630.47	61.44%
56600 Construction	2,694.21	694.21	0.00	0.00	694.21	2,000.00	25.77%
56700 Contractural Other	500.00	500.00	0.00	0.00	500.00	0.00	100.00%
57100 Postage	154.00	154.00	0.00	15.95	169.95	-15.95	110.36%
57300 Promotion/Advertisin	47.50	47.50	0.00	0.00	47.50	0.00	100.00%
57400 Public Officials Insur	5,472.00	4,216.00	0.00	1,256.00	5,472.00	0.00	100.00%
57500 Miscellaneous Other	6,363.58	6,363.58	0.00	0.00	6,363.58	0.00	100.00%
59700 INDIRECT COSTS	11,768.29	10,349.29	0.00	0.00	10,349.29	1,419.00	87.94%
Expenses	97,690.01	65,435.52	650.00	10,235.29	75,670.81	22,019.20	77.46%
Project Revenues:	103,343.25	65,435.52	0.00	37,206.70	102,642.22	701.03	99.32%
Project Expenses:	97,690.01	65,435.52	650.00	10,235.29	75,670.81	22,019.20	77.46%
Project Balance:	5,653.24	0.00	-650.00	26,971.41	26,971.41		

Shallow Draft Navigation and Sediment Management Meeting
Middle Peninsula Chesapeake Bay Public Access Authority
(5 AUGUST 2011 DRAFT AGENDA)

- I. Study Background (Mark Mansfield)
- II. Brief Summary of Project to Date (Lewis Lawrence)
- III. Incorporation of Comments on Main Report (Doug Stamper)
- IV. Discussion of Combination Alternatives (ALL)
- V. Follow-Ups and Due-Outs (ALL)

APPENDIX D: Regulatory Roles and Responsibilities

NAVIGABLE WATERS OF THE UNITED STATES: The Rivers and Harbors Act of 1899 grants permitting and enforcement authority in Navigable Waters of the United States (Section 10 waters) defined in 33 CFR 329 to the Secretary of the Army. 33 USC 403 States in part; “The creation of any obstruction not affirmatively authorized by Congress to the navigable capacity of any of the waters of the United States is prohibited”. Section 403 then goes on to state; and it shall not be lawful to build or commence the building of any wharf, pier, dolphin, boom, weir, breakwater, bulkhead, jetty, or other structures etc; unless authorized by the Secretary of the Army.

WATERS OF THE UNITED STATES; 33 U.S.C. 1344 and 33 CFR 320.3(f) authorizes the Corps to issue permits for the discharge of dredged or fill material into the waters of the United States pursuant to section 404 of the Clean Water Act (CWA). Waters of the United States (WOUS) are defined in 33 CFR 328.

Waters of the United States include most wetlands. Some wetlands can be difficult for the average person to recognize therefore we highly recommended and encouraged applicants to seek a Jurisdictional Determination from the Corps of Engineers Regulatory Branch prior to commencement of any work.

There are different types of federal permits available to authorize activities in Jurisdictional waters. The type of permit used depends on the scope, complexity, location, value of the resources being impacted, amount and type of the public interest along with several other factors.

In addition to Federal permits, state permits may be needed from the Department of Environmental Quality, Local Wetlands Board and the Virginia Marine Resource Commission. Processing the application is done concurrently by the permitting agencies. Processing times between agencies may vary significantly.

Federal Permits for “new” work generally take longer to review. During this review agencies such as EPA, the U.S Fish and Wildlife Service, and NOAA among others review the permit application to determine if essential fish habitat, endangered species, historical resources etc; will be impacted by the project and make recommendations that may become conditions in the permit authorizing the work. Processing time for new work depends on the scope, complexity, impacts and applicant flexibility among other things. 60 to 120 days is the typical processing time however, some have exceeded 3years.

Permits for maintenance work are generally processed within 60 day of receipt of the application. These permits are for maintenance only. Minor changes in materials are acceptable however changing the original foot print or increasing the overall depth of an existing channel, in the case of a dredging project, cannot be authorized with these types of permits.

During the initial planning phase of any project the corps will, upon request of the applicant, hold a pre-application meeting. This very simple process can save an applicant a tremendous amount of time and money. During the meeting the Corps representative can point out obvious problems you may encounter and make recommendations that can make the overall permit process much smoother. For larger more complex projects we may invite representative from other agencies so the applicant can better understand the process and what to expect.

It is important to note that planning or design work by Corps personnel does not guarantee that a federal permit will be granted for the project as designed.

A Joint Permit Application (JPA) must be submitted and reviewed by Regulatory Staff to determine the appropriate permit and process that will be used to authorize the proposed project. The permit processing time varies from 60 to 120 days depending of the type of permit and issues that may arise during the review process.

An electronic copy and instructions for use of the JPA can be obtained at:

<http://www.nao.usace.army.mil/technical%20services/Regulatory%20branch/JPA.asp>

You may need permits from the Virginia Marine Resources Commission, Virginia Department of Environmental Quality and the Local Wetlands Board as well.